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ABSTRACT

At the 1996 Spring Plenary Session, the Academic Senate for California Community Colleges (ASCCC) passed resolution S961.5, which authorizes the participation of part-time faculty on the Executive Committee. The assurance of participation of part-time faculty on the Executive Committee of the ASCCC at first appeared a simple proposal, but was soon recognized as far more complex, raising many issues that require resolution before a reasonable recommendation can be reached. The issues discussed document several plenary session breakouts and committee discussions: (1) part-time faculty's limited opportunity to serve locally; (2) part-time faculty's limited opportunity to serve at the state level; (3) load and reassigned time; and (4) election process. Included is supplementary information on the aims and functions of the academic senate and executive committee, as well as roles and responsibilities of senate delegates before, during, and after the session. Several recommendations are made, with regard to policy development, mentoring and leadership processes, and reassigned time, for increasing the opportunities for part-time faculty members to be elected to the Executive Committee of the ASCCC. Appended are the local senate 1997 survey results and the Attorney General's opinion on the topic. (AS)

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Participation of Part-time Faculty on the Executive Committee of The Academic Senate for California Community Colleges

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Participation of Part-time Faculty on the Executive Committee of The Academic Senate for California Community Colleges

The Academic Senate for California Community Colleges

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1998-99 Educational Policies Committee
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Ian Walton, Mission College
Eva Conrad, Moorpark College, CIO Representative

TABLE OF CONTENTS

Introduction 1

Background 2
- The Aims and Functions of the Academic Senate 2
- The Executive Committee 3
- Roles and Responsibilities of Senate Delegates 4

Part-time Faculty's Limited Opportunities to Serve 6

Load and Reassign Time 9

Election Process 10

Conclusion and Recommendations 11

Appendices 13
- Appendix A - Local Senates 1997 Survey
- Appendix B - Attorney General's Opinion

INTRODUCTION

At the 1996 Spring Plenary Session, the Academic Senate for California Community Colleges passed the following resolution:

S96 1.5 Participation of Part-time Faculty on the Executive Committee

> *Therefore be it resolved that the Academic Senate for California Community Colleges develop a proposal for a change in the Bylaws to assure participation of part-time faculty on the Executive Committee and bring that proposal to the 1997 Spring plenary session.*

The assurance of participation of part-time faculty on the Executive Committee of the Academic Senate for California Community Colleges at first appeared a simple proposal, but was soon recognized as far more complex, raising many issues that require resolution before a reasonable recommendation can be reached.

The issues uncovered as a result of several plenary session breakouts and committee discussions are the following:

- part-time faculty's limited opportunity to serve locally
- part-time faculty's limited opportunity to serve at the state level
- load and reassigned time
- election processes

BACKGROUND

In light of the complexities involved, and to further understand the issues, it is important to recall the aims and functions of the Academic Senate for California Community Colleges. In addition, the powers and duties of the Executive Committee, and the role Executive Committee members play in carrying these out, are key factors lending to the complexity as well.

The Aims and Functions of the Academic Senate

Historically in California, local academic senates were established to represent community college faculty in the formation of policy on academic and professional matters, and served as a minimum condition for establishment of community colleges according to 1962 Education Code. Two years after 1967 legislation created the Board of Governors and the Chancellor's Office for the California Community Colleges, a constitution for the Academic Senate for California Community Colleges was ratified by a majority of local senates, creating the state-wide body to represent local academic senates to the Chancellor and Board of Governors in regard to policy development. The Board of Governors then adopted Title 5 regulations in 1978 recognizing the Academic Senate as the representative of the faculty in academic and professional matters. The Academic Senate for California Community Colleges fulfills this responsibility through an established representative process.

The Academic Senate for California Community Colleges is legally constituted as the representative voice of faculty throughout the California Community College system (Title 5 §53204), making policy recommendations to the Chancellor and the Board of Governors of the California Community Colleges. Further aims and functions of the Academic Senate as established in the Bylaws, Article II, include: "Make recommendations on statewide matters affecting the California Community Colleges," "Strengthen local academic senates," and "Provide statewide communication between local academic senates or other equivalent faculty organizations in order to coordinate the actions and requests of the faculty of the California Community Colleges."

In the structure of the Academic Senate for California Community Colleges, as established in the Bylaws, Article III, Section 5, Academic Senate policy is formed solely in general session. The current processes of general sessions are established in the document "Senate Delegate Roles and Responsibilities," (Spring 1995, revised Spring 1997). These processes include the resolution process whereby policies and actions of the Academic Senate are formulated, debated and accepted as direction to the Executive Committee of the Academic Senate for California Community Colleges.

The 1988 passage of AB 1725 gave local academic senates responsibility for curriculum and academic standards. With clarification by the 1990 Board of Governors' adoption of Title 5 regulations, "Strengthening Local Senates" (§§53200-53204), local academic senates have been

defined as representing the faculty in making recommendations through a collegial consultation process to a district governing board, regarding eleven academic and professional matters for which the academic senate has primary responsibility. These are:

1. Curriculum, including establishing prerequisites and placing courses within disciplines;
2. Degree and certificate requirements;
3. Grading policies;
4. Educational program development;
5. Standards or policies regarding student preparation and success;
6. District and college governance structures, as related to faculty roles;
7. Faculty roles and involvement in accreditation processes, including self study and annual reports;
8. Policies for faculty professional development activities;
9. Processes for program review;
10. Processes for institutional planning and budget development; and
11. Other academic and professional matters as mutually agreed upon between the governing board and the academic senate.

The Executive Committee

The Executive Committee of the Academic Senate for California Community Colleges is established in Bylaws and Senate Rules, with its members elected by the Academic Senate delegates in a plenary session. These delegates are elected or appointed representatives from each local or district academic senate.

A Senator is defined by the Bylaws Article I, Section 2. E., as:

> An individual who, (1) by reason of election as an officer or member of the Executive Committee or, (2) by selection by a member, enjoys full voting rights at both regular and special general sessions of the Academic Senate for California Community Colleges. Any individual claiming Delegate status must also be in compliance with the provisions of Article III, sections 2. This definition notwithstanding, an individual may be a Senator without voting rights in the manner authorized in Article III, section 2 [which refers to Rule 3].

A rigorous process has been established for the election of Executive Committee members to assure that members have sufficient experience and currency to act effectively, and to assure their support by the member senates.

This process is set forth in Article V, Sections 1 and 2, of the Bylaws as follows:

> Section 1. Membership
> The Executive Committee shall consist of the [five] officers and ten members. All Executive Committee members must retain their faculty status to continue in office.
>
> Section 2. Selection and Term
> All candidates for election as an officer or a member of the Executive Committee shall be a Senator [see below] or a local senate president or have been a local senate president or an Executive Committee member or officer within the three years immediately preceding the election. In the event that no one from a particular member senate who meets these qualifications chooses to be a candidate, that senate may by resolution authorize any one member of its faculty to be a candidate. The minutes of the meeting at which that resolution was adopted must be submitted prior to the individual's being nominated. The ten members of the Executive Committee shall be elected by the general session on the basis of geographic representation as prescribed by the Senate Rules. All members of the Executive Committee except the officers shall serve for two year staggered terms. Terms of office shall commence on July 1 and end on June 30.

The Executive Committee carries full responsibility and authority to act for and represent the Academic Senate for California Community Colleges, within the structures and policies established in statute, regulation, and in plenary sessions.

Academic Senate Bylaws, Article V, Executive Committee, Section 6. Powers and Duties:

> The Executive Committee shall adopt its rules of procedure, implement policies adopted by the general session, act on behalf of the Academic Senate in the period between general sessions, transact business, and perform other functions not inconsistent with the intent, purposes, and provisions of the Bylaws and Senate Rules.

Roles and Responsibilities of Senate Delegates

Because Executive Committee members generally pass through a local academic senate selection process to become a senate delegate, or have been prepared to assume the responsibilities of a senate delegate by virtue of being a local senate president, consideration of the roles and responsibilities of senate delegates will add to an understanding of the foundation assumed for membership on the Executive Committee.

As discussed in the Senate document, "Senate Delegate Roles and Responsibilities":

> A Senate Delegate has the responsibility to operate in a truly representative capacity. In order for a delegate to fulfill this representative responsibility, the delegates must keep

well informed of their local senate's positions on issues, as well as informed on the issues at the state level.

Serving in a representative capacity, the Senate Delegate has numerous responsibilities that occur before, during, and after each plenary session.

Before the Session:

1. Become familiar with the structure, purpose and history of the Academic Senate.
2. Attend Geocluster meetings to gain early information on statewide issues which will be addressed at the Area meetings and plenary session.
3. Review pre-session materials and encourage faculty with subject matter expertise/responsibility to attend.
4. Discuss the issues with the local senate to identify faculty positions. Such positions may take the form of resolutions to be presented at the plenary session.
5. Study, distribute and discuss pre-session resolutions with the local senate to receive direction prior to the Area meeting.
6. Attend the Area meeting representing the positions of your local senate and carrying forward local senate resolutions for the plenary session.

During the Session:

1. Review documents in the session packet, (e.g., pre-session resolutions, papers, etc).
2. Network with colleagues attending the session for additional information and perspectives on issues.
3. Attend breakouts and divide up your college delegation among breakouts you cannot attend.
4. Participate in Area meetings and resolution writing sessions.
5. Write and sponsor resolutions based on discussion and issues in breakouts.
6. Sponsor and carry resolutions sent by your local academic senate to the session.
7. Represent the position of your local senate during the resolution debate and voting session at the conclusion of the plenary session.
8. Vote for Executive Committee officers and members.

After the Session:

1. Report the results of the plenary session back to your local senate.
2. Distribute appropriate information among the campus community.
3. Continue to attend Geocluster meetings to remain current on statewide issues and brainstorm local issues.
4. Continue to inform the local senate in preparation for next plenary session.

PART-TIME FACULTY' S LIMITED OPPORTUNITIES TO SERVE

Under the current Academic Senate Bylaws, if a part-time faculty member serves as a local academic senate president, as a Senate delegate or is authorized through a local senate resolution process to be a candidate, they may become a candidate for election to the Executive Committee. However, while the Academic Senate has long supported the inclusion of part-time faculty in local academic senates and has passed many resolutions relating to the inclusion of part-time faulty in academic senate processes, few part-time faculty participate in these processes. Recognizing the circumstances of part-time faculty, it is clear that without proactive leadership at the state and local academic senate levels, few part-time faculty will develop the needed background experience and collegial confidence required to become a successful Senate delegate or Executive Committee member.

Of sixty-seven local senates responding to a Spring 1997 turn-around survey (Appendix A), fifteen still did not allow part-time faculty to be members. Six of those that did allow part-time faculty in their membership still had no part-time faculty representation in their local executive body. Only sixteen allowed part-time faculty to serve as officers. Twelve of these provided some level of compensation or reassigned time. While a few local senates have had part-time faculty presidents over the years, there is recollection of part-time faculty serving on the Executive Committee of the Academic Senate. In fact, the first president of the Academic Senate for California Community Colleges in Spring 1969 was a part-time faculty member. Additionally during the 1970's one other part-time faculty member served on the Executive Committee.

A 1993 Academic Senate for California Community Colleges' position paper, "Part-time Faculty in the California Community Colleges," and the 1996 position paper, "The Use of Part-time Faculty in California Community Colleges: Issues and Impact," called attention to the increasing use and reliance on part-time faculty in the California Community College system and their lack of integration within college processes. For example, the 1996 paper noted:

Perhaps the major shortcoming of large numbers of part-time faculty on any one campus is that the long-term institutional goals and programs are the product of, and known to, a relatively small number of full-time faculty and administrators. These latter groups are the ones who fill the many committee and planning positions, both ad hoc and continuing, that design the overall academic goals and framework for progress that guide a college and its curriculum. Part-time faculty usually have little to no part in setting these long and short range college goals or no sure way of being informed about them. Part-time faculty are not engaged in any way in the institutional processes of their department nor in the shared governance structure of their college as a whole. They simply do their best on a day to day basis, with textbooks they did not choose and a course outline they had no hand in developing. (Page 4)

Academic Senate policies and community college institutional policies, both locally and at the state level, are usually formulated in terms addressing academic and professional matters as they relate to "faculty," the inclusive term referring to both full-time and part-time faculty. This is consistent with most terminology in Title 5 and the Education Code and with the issues these

policies seek to address. Without new structures to assure the integration of part-time faculty within the processes of the colleges, fulfilling the goals of the resolution this paper seeks to address is unlikely.

Simply creating one or two designated positions on the Executive Committee may result in no candidates emerging with adequate background to fulfill the responsibilities of the position. While there have been occasional part-time faculty activists who have gained some prominence in their local district, and even among statewide faculty leadership, most of these have focused their energy on labor issues involving working conditions and have had largely peripheral relations with academic senate processes.

Participation by faculty in local academic senates and committee activities at the statewide level serves a dual function, bringing a representation of faculty concerns and expertise into the dialectical process that generates Academic Senate policy and recommendations on the one hand, while developing an informed faculty leadership on the other. Most faculty who have progressed to an elected position, either as an officer of the Academic Senate for California Community Colleges, or as one of the representative members on the Executive Committee, have matured through participation at both the local and state levels. In attempting to "assure participation of part-time faculty on the Executive Committee,"questions have been raised regarding why the Executive Committee needs any part-time faculty participation.

- What function is such participation seeking to fulfill?
- Are the academic and professional issues of part-time faculty so different from full-time faculty that they require separate representation?
- What are the Academic Senate's responsibilities regarding a "community of interest?"

In the past, the Academic Senate for California Community Colleges has resisted developing specific representation for interest groups, arguing that academic and professional matters are fundamentally the same, no matter the contextual uniqueness within specific programs or disciplines. In 1977, the Academic Senate requested an opinion of the Attorney General (Appendix B) regarding the responsibilities of local academic senates in representing part-time faculty. Excerpts of the opinion follow:

> Although membership of part-time faculty is not expressly prohibited by the regulations, the regulatory scheme as a whole indicates that the purpose of a faculty senate is to represent the full-time faculty. Consequently, it is the full-time faculty which determines the composition, structure, and procedures of the academic senate (Section 53202(b)(1).

Subsequently, a regulation change was put forward and approved allowing part-time faculty to be members of the academic senate if it is provided for by the full-time faculty membership in their constitution (Title 5, §53202 (d)).

The opinion goes further to say:

> Also, it is the stated policy of the Academic Senate for California Community Colleges organization that community college academic senates serve the distinct function of furthering educational goals. Those goals are, at least to some extent, separate and apart from the function of the bargaining unit which is defined statutorily in terms of a requisite "community of interest." Since community college academic senates have been defined by regulation and serve functions distinct from bargaining units, the "community of interest" concept does not pertain to the question posed herein.

Approximately forty percent of student contact with faculty in California Community Colleges is with part-time faculty. In number, part-time faculty are fully two thirds of the total California Community College faculty. The conditions that shape student-faculty contact and its success in furthering the mission of the California Community College system are in turn shaped by faculty employment practices, and the resulting information, perception and understanding these faculty develop. Minimum qualifications establish that all faculty possess the foundation required to carry out their professional obligations as faculty, but this foundation is built upon by a variety of institutional processes including:

1. Hiring and evaluation
2. Professional development
3. Student advising and mentioning
4. Curriculum and program maintenance and development
5. Collegial interaction in shared governance
6. Accreditation self-study
7. Expertise in the discipline

In short, beyond the activities and experience of delivering subject area expertise, lie the academic and professional issues which through responsibility and involvement, shape both the professional excellence of a faculty and an educational institution. Current and past practice creates barriers of varying degrees that restrict part-time faculty from constructing their own professional excellence, and from adding their unique insights and experience to the maintenance of academic excellence in their institutions. While collective bargaining agents have direct responsibility for negotiating conditions of employment, the Academic Senate has responsibility for academic and professional matters, both as a representative body and in providing the focus of professional development and academic responsibility beyond discipline specific concerns.

Some part-time faculty are hired to teach individual courses requiring specialized expertise unavailable in full-time faculty ranks, or are hired to bring newly emerging knowledge and skills into vocational programs from industry, and some of these may have little interest in the broader institutional issues of the academic community. However, conservative estimates argue that more than 60% of California community college student-faculty contact in basic skills, mathematics, language arts and introductory general education courses is with part-time faculty. These faculty teaching the educational core, and their students, should not be excluded from the benefits of

participation in academic senate processes at the local or state level. Also, those processes and the ends they serve should not be denied the unique expertise and experience (and understanding of related problems) derived from the conditions of part-time employment.

Thus, a necessary part of satisfying the direction of Resolution 1.5 S96 should include the establishment of a proactive policy to involve greater numbers of part-time faculty in local academic senate processes, carrying out the recommendations of the 1996 Educational Policies Committee paper, "The Use of Part-time Faculty in California Community Colleges: Issues and Impact." In fact, through resolutions, the Academic Senate has historically urged local academic senates to provide participation opportunities as representatives in and for local senates, and serving on governance committees. In addition, there is need to establish a proactive program of outreach to and recruitment of part-time faculty through local academic senates to serve on the standing and ad hoc committees of the Academic Senate for California Community Colleges. It should become a policy of the Academic Senate to seek out and appoint part-time faculty to standing and ad hoc committees.

While part-time faculty involvement in local academic senates is a first step, the Academic Senate for California Community Colleges' Executive Committee outreach, recruitment and mentoring of part-time faculty, and their inclusion within the Academic Senate's committee structure, will significantly increase the voice and professionalization of this segment of the faculty. Specifically, policy changes of the Academic Senate for California Community Colleges should be proposed to more directly facilitate and encourage part-time faculty participation on standing or ad hoc committees, as well as, special appointments to system advisory committees and the like.

Currently, the policy for selecting members to serve on standing committees states, "In selecting committee members, the chairs should observe affirmative action guidelines. Geographical location and college size are also considered." This could be modified to reflect the importance of including part-time faculty.

LOAD AND REASSIGNED TIME

Members of the Executive Committee have multiple responsibilities including the monthly two-day board meetings dealing with the business of the Academic Senate for California Community Colleges. These responsibilities include, chairing standing and ad hoc committees which meet monthly, officer duties, systemize advisory committees, organizational liaisons, chairing Area meetings, handling special projects, writing papers and articles, and local college presentations or technical assistance. While this is not an exhaustive list, it is representative of the amount of work required to serve as an Executive Committee member.

In order to facilitate some "flexible" time to accomplish the above mentioned duties, Executive Committee members are provided with reassigned time paid for through the Academic Senate

budget. The reassigned time cost is reimbursed to the member's district at a part-time hourly rate. The amount of time provided is established through policy and depends on the level of duties required of the member. Minimally, an Executive Committee member is provided with 20% reassigned time each semester.

Because there is no policy that prohibits a part time faculty member from being elected and serving on the Executive Committee, the issue of reassigned time must be addressed. In fact it is widely known that anyone employed as a faculty member, regardless of load may serve on the Executive Committee. Therefore, if a part-time faculty member is elected to the Executive Committee, there is no obvious reason why the same reassigned time process couldn't be used. Some districts are known to reassign part-time faculty to serve as local academic senate officers or to participate in special projects.

However, one immediate issue arises if reassigned time were handled in this way. First, the 60% law may cause a part-time faculty member to be reduced in teaching load if because of their assignment on the Executive Committee. This could result in a disincentive to part-time faculty struggling to put together adequate employment. Also, if a part-time faculty member's load went from 60% to 40%, she or he would add to the already reduced contact with their college compared to a full-time faculty member on the Executive Committee. There is also a great possibility that, if the part-time faculty member were to lose an assignment due to course cancellation, she or he may have no faculty assignment for a semester or more, and therefore not be employed as a faculty member. Secondly, it may be possible to provide a stipend equivalent to the part-time rate if a part-time faculty member is elected to the Executive Committee, however, providing stipends is not a widely accepted or utilized practice of the Academic Senate. The provision of a stipend may help address the 60% issue if it becomes one, yet it does not address the inconsistent and unpredictable employment of most part-time faculty.

Lastly, it is important to note, that the reassigned time provided for an Executive Committee member, typically comes no where near to equaling the amount of time a member spends on Academic Senate business and responsibilities. Therefore, when a part-time faculty member gives up part of their load to serve on the Executive Committee, they will most likely be working twice as much or more than if they were teaching. There is a long history of faculty members volunteering significant amounts of time to the Executive Committee. Generally, these assignments far surpass what is "incidental" to a faculty member's duties.

THE ELECTION PROCESS

It seems clear from all that has been examined that, ideally, the selection process for part-time representatives should be the same as that which now exists. That is, having a part-time faculty member qualify for and run for a position by the same process as all faculty. To be a candidate for election to the Executive Committee of the Academic Senate for California Community Colleges, a faculty member must be a current local academic senate president, a local academic senate Senator (delegate), a local academic senate president during the most recent three years, an Executive

Committee member during the most recent three years or forwarded as a candidate through resolution by their local academic senate (Bylaws, Article V, Section 2). With the current low level participation of part-time faculty at the local level, it seems likely that it will take a number of years before part-time candidates will regularly emerge out of the local senates for nomination and election. Therefore, in addition to pro-actively working to increase participation locally and at the state level, the forms used in declaring the intent to run should be modified to visually identify the opportunity for full- and part-time faculty to run. In addition, the Bylaws of the Academic Senate should clearly delineate the opportunity for part-time faculty to run for a position on the Executive Committee and the requirements for doing so. Of course the requirements would be the same as for full-time faculty, but with further elaboration on the part-time faculty assignment, e.g., at least a 40% assignment, and what happens when an assignment is lost because of class cancellations or budget constraints.

CONCLUSION AND RECOMMENDATIONS

Based on the information and issues presented in this document, the following recommendations are presented to increase the opportunity for part-time faculty members to be elected to the Executive Committee of the Academic Senate for California Community Colleges. These recommendations fall short of "Assuring participation on the Executive Committee" in the context of the interpretation of some as meaning creating a specific position for a part-time representative on the Executive Committee. Specifically, this is not a recommendation due to the "community of interest" issue. Serving a "community of interest" is a collective bargaining issue, and the responsibilities of the Academic Senate for California Community Colleges are of a broad sweeping nature in the realm of academic and professional matters as they affect all faculty disciplines and assignments equally. There have been no "special representative" seats based on discipline or assignments in the past, therefore it is not a solution for part-time faculty either.

However, the following recommendations are presented to serve as a solution to increased participation:

1. Bylaws and policies of the Academic Senate for California Community Colleges should be developed to facilitate and encourage part-time faculty participation on standing or ad hoc committees, as well as, providing appointments to system advisory committees and the like.

2. A proactive recruitment and mentoring process should be developed to encourage leadership and involvement of full- and part-time faculty on standing and ad hoc committees, as well as, the Executive Committee. This should include urging local academic senates to seriously consider the importance of part-time faculty involvement in governance and collegial relationships at the local level and provide those opportunities.

3. The forms used in declaring the intent to run should visually identify the opportunity for part time faculty to run. In addition, the Bylaws of the Academic Senate should clearly delineate the opportunity for part-time faculty to run for a position on the Executive Committee and the requirements for doing so. Of course the requirements would be the same as for full time, but with further elaboration on their faculty assignment. This should include the requirement for at least a 40% faculty assignment at a specific college each semester/quarter, and what happens when an assignment is lost because of class cancellations or budget constraints.

4. If a part-time faculty member is elected to serve on the Executive Committee, reassigned time will be provided within the constraints of the 60% law from the member's district of primary employment.

5. If a part-time faculty member is elected to serve on the Executive Committee and they are already employed with a 60% assignment, while it is not the preferred practice, a stipend at the part time rate can be provided.

Appendices

College	FT Sen	FT Sen	PT Sen	PT Sen	FT Selection	PT Selection	PT Officer	PT Senators	PT Officers
Allan Hancock	0.2	25	0	0	Dept. 1/5 or 3/5	NA	No		NA
American River	35	33	0	0	Division	NA	No		NA
Antelope Valley	12	12	1	1	Departments	Self/Senate	No		NA
Bakersfield	20	18	1	1	Div. Nomination	Div. Nom./PT Election	No		NA
Blank	40	40	2	2	Department	PT Election	No	None	NA
Butte College	11	11	3	3	Division	Division	No	$800/yr	NA
Cabrillo	16	16	15	2	Gen. Election	PT Election	Yes		By Meeting
Canyons	10	10	1	1	Division	PT Election	No		NA
Cerritos	0.1	30	0	0	Division	NA	No		NA
Cerro Cosa	44	44	0	0		NA	No		NA
Chaffey		15	0	0	Departments	Rev. in Process	No		NA
Citrus College	23	23	0	0	Dept. + 3 AtLarge	NA	No		NA
Coastline College		12		14	Gen. Election	Gen. Election	Yes	$40/hr	Reassign Time
Col of the Sequoias	Div. Ratio	24	2	2	Division	PT Election?	No		NA
Columbia	Whole	46	1	1		Exec. Selection	No		NA
Compton	11	11	2	1	Division	PT Election	No		NA
Cosumnes River	30	28	2	2	Gen + Sh Gov. Chairs	PT Election	No		NA
Cuyamaca	20	20	2	2	Division	PT Election	Yes		Pres or VP ?
Cypress	1/Div +x2 at large	16	1	0	Div & At-Large	PT Election	Yes		?
De Anza	28	25	No Sep	2	Division	Division	Yes	0	Reassign Time
Diablo Valley	15	15	2	2	Division	PT Election	No		NA
El Camino	40	38	2	1	Division	PT Election	No		NA
Evergreen Valley	14	10	2	1	Div. + At-Largre	PT Election	No		NA
Foothill	16 + Officers	15	No Separation	1	Division	Division	No	0	NA
Fresno City College	52	49		1	Dept. & Div. Elect	?	No		NA
Fullerton	36	36	1	1	Div. + 5 At-Large	By Senators	No		NA
Gavilan	12	11	1	1	Dept. + 4 At-Large	PT Election	No		NA
Golden West	21	21	2	2	Dept. (Discipline)	PT Election	No		NA
Imperial Valley College	19	18	0	0	General Election	Rev.inProcess	No		NA
Irvine	29	29	2	0	Division	PT Caucus	No		NA
Kings River	20	17	?	0	General Elect. [?]	?	Yes		None
L A Harbor	15	15	2	0	Division	Division [?]	No		NA
L A Mission	12	12	0	0	Depts/Divisions	NA	No		NA
L A SouthWest	12 + Exec.	11	1	1	Department	PT Elec. or Apt.?	No		NA
L A Trade-Tech	30	20	12	2	Department	At-Large	2		None
L A Valley	20	20	0	0	General Election		No		NA
Lake Tahoe	All [?]		2	2		PT Election	No		NA
Lassen	8	8	0	0	General Election	NA	NA		NA
Long Beach City	27	27	2	2	General FT Election	PT Election	No		NA
Los Medanos	Whole	100	6	1	Whole	Senate Ratified	No		NA
Mercced	2/Div	25	2	2	Div/Area	PT Election	Yes		None
Mira Costa	10	8	2	2	General	PT Election [?]		Hourly	
Mission	14	14	2	1	Division	Senate Ratified	No	None	NA
Modeesto Junior College	25	23	1	1	Division	PT Election	No		NA
Monterey Peninsula	16 ?	14 ?	1	1	DIVISION	Variable	Yes		Reassign Time

College	FT Sen	FT Sen	PT Sen	PT Sen	FT Selection	PT Selection	PT Officer	PT Senators	PT Officers
Moorpark	8	7	4	0	Division	Can be Officers Only	Yes		Reassign Time
NonCredit	17	17	4	4	All FT Faculty	PT Election	Yes		Senate Budget
Orange Coast	19	19	0	0	Div + 9 At-Large		No		NA
Palo Verde	23	23	0	0	All FT Faculty		No		NA
Palomar	24	22	2	2	General Ft Election	PT Election	No		NA
Pasadena City College	33	27	0	0	Division		No		NA
Porterville College	9	9	0	0	Division		No		NA
Sacramento City College	35 ?	35 ?	10 ?	10 ?	Division	Div.PTs	No		Undecided
SaddleBack	26	26	4	4	Division	Volunteer	Yes		Reassign Time
San Bernadino Valley	40 ?	40 ?	2	2	Division	PT Election	Yes		None
San Diego City	30	30	2	2	Department	PT Election	No		NA
San Diego Continuing Ed. Center		25		35	Gen. Vote, No Sep	Gen. Vote, No Sep.	Yes	Hourly	Reassign Time
San Diego Miramar	15 ?	15 ?	5	5	Department	PT Election	No		NA
San Joaquine Delta	35 ?	35 ?	4	4	Division	2 LA - 2 Voc Ed	I VP		None
San Mateo District	?	7	No Sep	0	2/campus+Pres.	No Sep	No		None
Santa Barbara City	14	14	2	2	Division	PT Meeting Election	Yes	1/15 load Reassign	Reassign Time
Sierra College	14	10	2	2	Div + 4 At-Large	PT Election	Yes		None
Solano Community College	11	11	2	2	Div + 2 At-Large	PT Election1/yr	Yes		Pres 40% Reas
Southwestern	32	32	6	6	Discipline Groupings	Division	No	1 lab hr/Meeting	
Victor Valley	5	5	0	0	FT Election		No		NA
West Valley	14	10	2	2	Division	PT Election	No		NA
Yuba	11	9	2	0	Division	PT Election	No		NA

EVELLE J. YOUNGER
ATTORNEY GENERAL

STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL
Department of Justice
555 CAPITOL MALL, SUITE 550
SACRAMENTO 95814

July 12, 1977

Edith R. Conn, President
Academic Senate, California
Community Colleges
Ventura College
44 Encinal
Ventura, California 93003

Dear Ms. Conn:

Re: Opinion CV 77/10

Enclosed is a copy of Opinion CV 77/10 per your request. Thank you for the submission of your views.

Very truly yours,

EVELLE J. YOUNGER
Attorney General

Carol Hunter
CAROL HUNTER
Deputy Attorney General

/cw

enc

OFFICE OF THE ATTORNEY GENERAL
State of California

EVELLE J. YOUNGER
Attorney General

OPINION	:	NO. CV 77/10
of	:	JUNE 28, 1977
EVELLE J. YOUNGER Attorney General CAROL HUNTER Deputy Attorney General	:	

THE HONORABLE GEORGE DEUKMEJIAN, SENATOR FOR THE 31ST DISTRICT, has requested an opinion on questions which may be stated as follows:

1. Does the language of California Administrative Code, Title 5, sections 53200-53205 authorize part-time faculty members in a community college to be voting members of community college academic senates?

a. If part-time faculty members may be members of the academic senate in a community college, may they vote on amendments to the academic senate constitution governing the composition, structure and procedures of the academic senate?

b. If part-time faculty members may be members of the academic senate in a community college, are they to be elected by the full-time faculty or by the part-time faculty?

2. Does the fact that some community colleges have included members of the part-time faculty as voting members in their academic senates establish a legal precedent for all community colleges to include part-time faculty in their academic senates?

It is presumed that each word and phrase of a statute or regulation is to be given effect and that the definitions used therein are controlling in interpreting the statute. Prager v. Isreal, 15 Cal.2d 89, 93 (1940); Watkins v. Real Estate Commissioner, 182 Cal.App.2d 397, 399 (1960); Turner v. Board of Trustees, 16 Cal.3d 818, 826 (1976); Fennessey v. Pac. Gas & Elec. Co., supra, 20 Cal.2d 141, 142-143. Regulations are subject to the same standards regarding interpretation as are acts of the Legislature. Board of Supervisors v. California Highway Commission, 57 Cal.App.3d 952, 960 (1976).

Although membership of part-time faculty is not expressly prohibited by the regulations, the regulatory scheme as a whole indicates that the purpose of a faculty senate is to represent the full-time faculty. Consequently, it is the full-time faculty which determines the composition, structure, and procedures of the academic senate. § 53202 subd. (b)(1). No purpose would be served by interpreting the regulations to permit part-time faculty membership when such members could not be represented by the academic senate. Membership of those who cannot be represented by the academic senate would be meaningless. It is reasonable, therefore, to conclude that membership is limited to those full-time faculty who are authorized by regulation to have a voice in the composition, structure and procedure of the academic senate and who are represented by the academic senate. If part-time faculty were to be represented by community college academic senates, the regulation could easily have provided for such inclusion. It is well established, however, that courts will not supply omitted words to satisfy the contentions of a party. Estate of Hobart, 82 Cal.App.2d 502 (1947).

It has been pointed out by several interested organizations who communicated with this office regarding the questions posed herein that the constitutions of some community college academic senates presently do permit part-time faculty membership with limitations on the extent of their participation. It was also explained, however, that in the 1960's when faculty senates were first established there were relatively few part-time faculty employed by community colleges. Thus, the prevailing circumstances at the time of adoption of the community college academic senate regulations helps explain the clear regulatory language which authorized faculty senates only for full-time faculty.

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The criteria for membership in a community college academic senate should follow the guidelines of the California Administrative Code and not be confused with the "community of interest" concept used in the educational employees' collective bargaining law. 2/ See Government Code §§ 3540, 3545; McHugh, Collective Bargaining With Professionals in Higher Education: Problems in Unit Determination, 1971 Wis. L.Rev. 55, 58-59; Betts, Labor Law, 1973-74 Ann. Survey Am.L. 543. Also, it is the stated policy of the Academic Senates for California Community Colleges organization that community college academic senates serve the distinct function of furthering educational goals. Those goals are, at least to some extent, separate and apart from the function of the bargaining unit which is defined statutorily in terms of a requisite "community of interest." ASCCC, The Role of Academic Senates in California Community Colleges: A Position Paper (1976). Since community college academic senates have been defined by regulation and serve functions distinct from bargaining units, the "community of interest" concept does not pertain to the question posed herein.

In conclusion, it is noted that the ASCCC position paper does recommend that part-time faculty be included in faculty senates. Nevertheless, voting membership in community college academic senates is limited by regulation to full-time faculty. The inclusion of part-time faculty, if deemed appropriate in the light of prevailing employment patterns, may be accomplished only by means of amending the existing regulations.

* * * * *

2/ Note also that while academic senates may once have functioned in the broad field of "employment relationships," their role is now circumscribed by Government Code section 3540. See 44 Ops.Cal.Atty.Gen 6 (1964).

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THE ACADEMIC SENATE FOR CALIFORNIA COMMUNITY COLLEGES
910 K Street, Suite 300, Sacramento, CA 95814
(916) 445-4753 Fax: (916) 323-9867 E-Mail: asccc@ix.netcom.com
http://www.academicsenate.cc.ca.us